

GPA/ W37-121/TT 16396

APN: 1013-501-10\*

May 4, 2004

**FINDINGS -General Plan Amendment (GPA) W37-121:**

1. The proposed land use district change to RS-20m is in the public interest, there will be a community benefit and other existing and permitted uses will not be compromised because the district change meets the minimum land use district size and represents a urban "infill" project. The project will increase the available housing stock in the area, and the project will qualify for connection to City of Chino sewers.
2. The proposed land use district change will provide a reasonable and logical continuation of the surrounding lot size patterns, and is consistent with the goals and policies of the General Plan, as follows:

Goal 0-43 -which encourages a compatible and harmonious arrangement of land uses in urban areas by providing a type and mix of functionally, well-integrated land uses that meet general social and economic needs.

Policy LU-2 (b) Allow varied approaches to residential development in order to foster a variety of housing types and densities and more efficient use of the land.

3. The proposed land use district change does not conflict with the provisions of the County Development Code, or Chino planning area, since the project, as conditioned, is consistent with requirements for minimum district size and minimum lot size. In addition, the project as proposed is consistent with the city preference that recommends the RS-20m designation, as not precluding a "rural residential" lifestyle by allowing for some remaining animal uses.
4. The proposed land use district change will not have a substantial adverse effect on surrounding property, as there is adequate area to comply with development. The proposed project will not have a significant effect on the environment. A negative declaration can be supported by the independent project Initial Study.
5. The proposed General Plan Land Use District Amendment will not have a significant effect on the environment. An independent Initial Study was completed for the concurrently filed General Plan Amendment and the Tentative Tract applications. The proposed Conditions of Approval will reduce the impacts of the project to a level below significance.
6. The Negative Declaration reflects the County's independent judgment and analysis.

**FINDINGS: Tentative Tract 16396 (26 lots)**

1. The proposed subdivision together with the provisions for its design and improvements is consistent with the San Bernardino County General Plan because the design and improvements conform with the provisions of the Single Family Residential land use district including the location criteria and building density standards. The General Plan Amendment that has been filed concurrently with the

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Tentative Tract, if approved, will change the land use district to RS with a minimum lot size of 20,000 square feet. The project is consistent with General Plan goals and policies as-follows:

LU-2 - which requires the design and siting of new residential development that meets locational and development standards that ensure compatibility with adjacent land use and community character and encourages the fostering of a variety of housing types and densities and more efficient use of the land;

2. The site is physically suitable for the proposed type and density of development, as the land is adequate in size, shape and topography to accommodate the proposed residential land use, setbacks, walls, fences and other requirements.
3. The proposed subdivision design and improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. An Initial Study has been prepared to analyze the environmental factors and determined that all issues can be mitigated to a level of below significance with normal project conditions of approval.
4. The design of the subdivision and any related type of proposed improvements are not likely to cause serious public health problems or cause threat to life and property from a conflagration, because the design and density proposed are such that hazards from flood, fire, noise and other potential public health hazards are minimized.
5. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.
6. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.
7. The proposed subdivision, its design, density, and type of development and improvements conform to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law. The General Plan Amendment that has been filed concurrently with the Tentative Tract will change the land use district to RS with a minimum lot size of 20,000 square feet.
8. The proposed subdivision is not a land project.
9. The proposed project will not have a significant effect on the environment. An Independent Initial Study has been prepared to analyze the environmental factors and determined that all issues are less than significant with normal project conditions of approval.
10. The Negative Declaration reflects the County's independent judgment and analysis.

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**FINDINGS: A variance is included to permit wall height up to a maximum of 9 feet in lieu of the 6-foot limit adjacent to Lot 26 on the north p/l and up to 7.5 feet along the easterly property lines of Lots 14, 15, 18 and 19).**

1. The granting of this variance will not be materially detrimental to other properties or land uses in the area because the additional block wall height will not affect the adjacent undeveloped acreage and in the future, will provide additional privacy for any development that may be proposed on the adjacent site. Approval of this variance will not substantially interfere with the present or future ability to use solar energy systems because the additional height of the wall will be vertical and will not block solar energy.
2. There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use that do not apply to other properties within the same district or vicinity because the school site adjacent to Lot 26 has already been graded/elevated to allow the school site to drain properly to streets, as required by the Public Works Department/Land Development Section. In order to have Lots 14, 15, 18 and 19 drain to the street rather than onto adjacent properties, creates the necessity to elevate the rear of lots and require a taller wall to retain the additional grading and provide the privacy enjoyed by all other properties in the vicinity.
3. The strict application of the land use district standards deprives this property of privileges enjoyed by other properties in the vicinity or in the same land use district because the elevation of the adjacent school site created a unique and singular topographical feature resulting in a hardship peculiar to Lot 26 that necessitates construction of a maximum nine (9) foot retaining wall/wall to accommodate proper drainage. In so far as lots 14, 15, 18, and 19 are concerned, the strict application of the wall height standard would deprive adjoining properties of the same amount of privacy enjoyed by other properties in the vicinity.
4. The granting of the variance is compatible with the objectives, policies, general land uses and programs specified in the General Plan because health and safety issues, such as drainage concerns, supercede aesthetic concerns. The approval of this variance is consistent with the following General Plan policy: FL-6, which requires that drainage be controlled to prevent flooding of adjacent and downstream properties.
5. This Major Variance is exempt from CEQA review.